



## TOWN OF BEAUX ARTS VILLAGE

### TOWN COUNCIL MINUTES

January 11, 2005

Heckendorn

Mayor Lowry called the meeting to order at 7:30 pm.

**PRESENT:** Mayor Chuck Lowry, Councilmembers Betty Heckendorn, John Rose, Tom Robinson (arrived at 8:10 pm), Aaron Sharp, and Judee Wells (arrived at 7:45 pm).

**EXCUSED:** None.

**STAFF:** Clerk-Treasurer Sue Ann Spens.

**GUESTS:** Jim Airy, WABA.

**MINUTES:** Councilmember Heckendorn moved to approve the December 14, 2004 minutes as written. Councilmember Rose seconded.

Vote: 3 For, 0 Against, 0 Abstain. Motion carried.

Councilmember Rose moved to approve the December 22, 2004 minutes as written.

Councilmember Heckendorn seconded.

Vote: 3 For, 0 Against, 0 Abstain. Motion carried.

**CLERK'S REPORT:** Clerk-Treasurer Spens reminded the Council that with former Councilmember Hickey's retirement, the Council does not have a Mayor Pro Tem.

Councilmember Heckendorn nominated John Rose. Councilmember Sharp seconded.

Vote: 3 For, 0 Against, 0 Abstain.

Clerk-Treasurer Spens reported that the terms of two members of the Board of Adjustment expired on December 31, 2004: Chairman Bob Welsh and Steve Hauck. Mayor Lowry commented that he is considering replacements and will bring them forward to the Council for confirmation soon.

**WARRANTS:** Councilmember Rose moved to approve the December 31, 2004 warrant list, including warrant numbers 6596 through 6613 in the amount of \$5,700.27. Councilmember Sharp seconded.

Vote: 3 For, 0 Against, 0 Abstain. Motion carried.

Councilmember Rose moved to approve the January 11, 2005 warrant list, including warrant numbers 6614 through 6628 in the amount of \$6,122.96. Councilmember Sharp seconded.

Vote: 3 For, 0 Against, 0 Abstain. Motion carried.

**MARSHAL'S REPORT:** No report.

**WATER REPORT:** No report.

**WABA REPORT:** WABA representative Jim Airy reported that the Winter Dinner would be held on Saturday, January 22, 2005 at St. Thomas Church in Medina.

He also reported that WABA sent out a mailing this week with information about the 2005 Budget and the pending litigation. Councilmember Rose asked what happens to the Special Assessment funds if WABA can settle the lawsuit before it goes to court. Mr. Airy answered that whatever is not used would be rebated to the WABA membership. He added that detail such as this will be discussed briefly at the Winter Dinner, but a larger discussion will take place at a special meeting to be arranged and announced soon.

Mr. Airy asked if the Town has plans to store the extra buoys that currently sit outside the WABA shed at the North Beach. Clerk-Treasurer Spens answered that they are extra buoys that will be used to replace buoys that are damaged during the boating season. Councilmember Sharp offered to work with Mr. Airy to find a suitable place to store these extra buoys.

Mr. Airy asked if the Town would be updating the Green Book again in February this year. Clerk-Treasurer Spens answered that Deputy Clerk Donworth has plans to begin the updates soon and that he should contact her directly to insert WABA materials.

Mr. Airy commented that WABA remains interested in renewing the welcoming committee. He added that WABA's representative would be the Trustee-at-Large and asked who would represent the Town. Mayor Lowry answered that he and the Council would give the matter some thought.

**EMERGENCY PREPAREDNESS:** Nothing to report.

(Councilmember Wells arrived at 7:45 pm)

**RESOLUTION NO. 217 AMENDMENT TO THE INTERLOCAL AGREEMENT FOR LAW ENFORCEMENT SERVICES:** Clerk-Treasurer Spens reported that the King County Sheriff has approached the Town about an amendment to the existing interlocal agreement with the King County Sheriff's Office (KCSO) for law-enforcement services. She explained that this amendment would add a provision to make arson-investigation services available to the Town in the event such services were needed and requested.

Clerk-Treasurer Spens added that the Bellevue Fire Department told her that this is a common type of arrangement with the law-enforcement agency serving a community and that Town Attorney Stewart has approved the agreement as to form.

**MOTION:** Councilmember Rose moved to adopt Resolution No. 217 authorizing the Mayor to execute an Amendment to the Interlocal Agreement between King County and the Town of Beaux Arts Village for Law Enforcement Services. Councilmember Heckendorn seconded. Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

**RESOLUTION NO. 218 APPROVING THE 2005 WORK PROGRAM AND BUDGET FOR A REGIONAL COALITION FOR HOUSING (ARCH):**

Clerk-Treasurer Spens noted that the work program and budget presented are consistent with prior years and the Town's contribution remains limited to the annual administrative fee.

MOTION: Councilmember Rose moved to adopt Resolution No. 218 approving the ARCH Work Program and Budget for 2005. Councilmember Heckendorn seconded.

Councilmember Sharp asked why we participate in this group. Mayor Lowry answered that since the Town is not able to develop much in the way of affordable housing within its borders, our participation in ARCH allows us to carry out the requirements of the Growth Management Act by contributing toward the development of affordable housing on the Eastside.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

(Councilmember Robinson arrived at 8:10 pm.)

**ORDINANCE NO. 331 AMENDING ORDINANCE NO. 326 REGARDING THE TOWN'S RECENT ADOPTION OF ITS UPDATED COMPREHENSIVE PLAN:**

Clerk-Treasurer Spens explained that Ordinance No. 326 adopting the Town's recently updated Comprehensive Plan lacked a statement regarding the Town's development regulations and their consistency with the updated plan. She stated that Ordinance No. 331 remedies that omission.

MOTION: Councilmember Wells moved to approve Ordinance No. 331 amending Ordinance No. 326 to include parameters relating to the Town's recent adoption of its updated Comprehensive Plan. Councilmember Rose seconded.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

**ORDINANCE NO. 332 AMENDING ORDINANCE NOS. 103, 214, AND 256 REGULATING THE WATER DEPARTMENT TO CLARIFY THE LANGUAGE OF THE ORDINANCE:** Clerk-Treasurer Spens outlined the minor changes she made to the existing regulations: eliminating the Council's responsibility to follow up on part due accounts, changing the payment due date to the 25<sup>th</sup> of the month to eliminate deposits in transit, and a general cleaning up of the ordinance language for clarity.

MOTION: Councilmember Rose moved to approve Ordinance No. 332 amending Ordinance Nos. 103, 214, and 256 regulating the Water Department to clarify language of the ordinance. Councilmember Wells seconded.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

**MAYOR AND COUNCILMEMBER REPORTS:**

**SPEED HUMP COMPLAINT:** Councilmember Sharp reported that he discussed the Justus' complaint about the speed bumps at the December Council meeting with Street Superintendent Bill Beck and that Bill will review the situation and report his findings. He commented that Mr. Beck thinks the offending humps comply with our standard template and

that if this is the case, he will develop a recommendation for the Council's review and approval.

**CROSSWALKS:** Councilmember Sharp asked how he should proceed with his idea for crosswalks on the 105<sup>th</sup>/104<sup>th</sup> arterial. Councilmember Robinson suggested that he take a look at the crosswalks recently installed in Medina near St. Thomas Church noting that while the crosswalks appear to be made of brick, they are actually just a special paint. Clerk-Treasurer Spens will contact the City of Medina for more information on these crosswalks.

Councilmember Sharp asked if these new crosswalks could be installed without warning signs. Clerk-Treasurer Spens warned that she thinks there are state statutes that require certain minimum signage for crosswalks and that she will check with Allan Newbill, Public Works Director for the City of Clyde Hill, to confirm the rules.

**NEW STREET SIGNS:** Councilmember Sharp reported that reaction to the changed rooflines on the logo of the new street signs has been positive and he will have Bill Beck begin applying the changes to all the signs throughout Town. He added that he expects this chore to be completed by the end of February.

**JUNKER COMPLAINT:** Mayor Lowry reported that he received a complaint about the wrecked car parked on the front lawn of Mardi Dougan's house at 10502 SE 28<sup>th</sup> Street. Councilmember Heckendorn commented that, in Ms. Dougan's extended absence, there is a property agent to contact about such matters and that she will forward contact information to Clerk-Treasurer Spens to follow up on a remedy.

**SHARED-WALL HOUSING COMMITTEE:** Councilmember Rose reported that the Shared Wall Committee held its first meeting recently and has invited an architect with experience in building cottage-style housing and enthusiasm for the group's mission to their next meeting.

**AWC LEGISLATIVE AGENDA:** Councilmember Heckendorn reported that the AWC has stated their active pursuit of a number of changes that would provide financial relief or improve revenues to cities, including changes to the distribution of and uses for shared gas-tax money, a constitutional amendment for voter-approved multi-year property tax levies, changes in notice requirements for special meetings, and changes to the state's retirement program that require the phase-in of substantial increase in pension contributions to lessen their impact on smaller cities.

**QUIET PAVEMENT:** Mayor Lowry reported that interest in the use of Quiet Pavement (rubberized asphalt) continues to grow as the Mayors of the other Points' Cities are pushing their elected state representatives to allow a trial on SR-520 as well as the I-90 East Channel Bridge.

**PLANNING COMMISSION MEMO:** Mayor Lowry asked the Council for their comments on the Planning Commission's latest memo regarding modification to the Town's zoning code. Councilmember Wells commented that the Planning Commission doesn't seem to have addressed her concerns about requiring a topographic survey for every "*building permit for*

*reconstruction or remodel that involves work on the foundation and/or roofline of the existing structure*". She would like to see this requirement mitigated for smaller projects where the existing roofline would remain unchanged (e.g. single-story construction), for projects involving repairs to an existing foundation, and the like. She suggested that instead of using the broad language proposed by the Planning Commission, the requirement for a topographic survey be restated substituting the words "that alters" for "that involve work". She also asked if "*landscape projects that alter the existing grade of the property*" would include raised garden beds, noting that this would seem excessive. She suggested that the Planning Commission examine what other cities are doing so that the remedy we choose is not too restrictive.

Councilmember Robinson suggested that it might be helpful to consider when it important to know the existing grade and work those situations into the ordinance.

Councilmember Sharp suggested that the Planning Commission's intent for the regulations be codified as well as the rules themselves as a means of clarification.

After additional discussion, Mayor Lowry summarized the Council's comments by stating that the Council supports the Planning Commission in its quest to stop the use of loopholes in our existing code that allow major construction in excess of our expectations. He went on to state that the Council believes the language as written is too broad in that it is unlikely the Planning Commission wanted residents to have to have a topographic survey done simply to put in raised garden beds or for chimney/foundation repairs.

**NEXT MEETING:** Clerk-Treasurer Spens reminded the Council that their next meeting is scheduled for Tuesday, February 8, 2005 at Mayor Lowry's house.

**ADJOURN:** Councilmember Wells moved to adjourn the meeting at 9:05 pm.

Councilmember Heckendorn seconded.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Sue Ann Spens  
Clerk-Treasurer